

Docket No.: M3653.0001/P0001  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

---

In re Patent Application of:  
Douglas Clark et al.

Group Art Unit: 2165

Application No.: 09/334,256

Examiner: F. Thompson

Filed: June 16, 1999

#22

For: METHOD AND APPARATUS FOR  
PLANNING AND MONITORING  
MULTIPLE TASKS BASED ON USER  
DEFINED CRITERIA AND PREDICTIVE  
ABILITY

---

**RESPONSE TO NOTIFICATION OF NON-COMPLIANCE**

**ATTN: Box AF**  
Commissioner for Patents  
Washington, DC 20231

Dear Sir:

In the Statement of Non-Compliance mailed March 26, 2002, the Examiner correctly noted that appellant's Appeal Brief states Claim 7 stands and falls by itself (page 2, paragraph 2). In response, Applicant wishes to update the Appeal Brief so that Claim 7 be understood to be grouped with claims 1, 8, and 11-21, and not by itself. Applicant regrets the error. This information was verbally communicated to the Examiner in an telephone interview on April 4, 2002. Accompanying this Response is an updated copy of the Appeal Brief with the correct grouping of claims. No alterations to the Appeal Brief were made other than to page 4, lines 1-2, to state the correct grouping of claims. No new matter has been added.

The Examiner is also thanked for including a copy of an Interview Summary of October 24, 2000 (Paper No. 7) in the correspondence mailed March 26, 2002.

Because appellant's Appeal Brief is now in compliance with 37 C.F.R. 1.192(c), Applicant respectfully requests that the prosecution of the above-referenced application be resumed as soon as possible.

Dated: April 9, 2002

Respectfully submitted,

By Chris Tanner

Chris Tanner

Registration No. 41,518

DICKSTEIN SHAPIRO MORIN &  
OSHINSKY LLP

2101 L Street NW

Washington, DC 20037-1526

(202) 785-9700

Attorneys for Applicant

Atty Docket No.: M3653.0001/P001

Inventor: Sandra K. Richardson, et al.

Application No.: 09/334,256

Filing Date: June 16, 1999

Title: METHOD AND APPARATUS FOR PLANNING AND MONITORING MULTIPLE TASKS  
BASED ON USER DEFINED CRITERIA AND PREDICTIVE ABILITY

**Documents Filed:**

Appellants' Updated Brief on Appeal (25 pages)

~~Appeal Brief Transmittal (1 page)~~

Response to Notification of Non-Compliance (2 pages)

Affidavit of Commercial Success Under 37 CFR 1.132 (14 pages) & "e-week" Magazine article (2 pages)

Fee Transmittal (1 page)

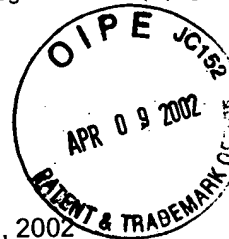
Check in the amount of \$130.00

LWS

Via: PTO Daily Run

Sender's Initials: JDG/CT/bh

Date: April 9, 2002



**DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP**  
2101 L Street NW Washington DC 20037-1526

ACCOUNT NUMBER

Date  
**04/09/02**

Check No.  
**229690**

Description & Invoices That This Check is Written For

CR040902A

04/09/02

130.00

-USPTO Filing Fee -Petition  
to the Commissioner

ASSISTANT COMMISSIONER OF  
PATENTS AND TRADEMARKS

Check Amount Total

130.00

BEST AVAILABLE COPY

<b>FEE TRANSMITTAL for FY 2002</b>				<b>Complete if Known</b>																																																																																																																																																																																																	
<i>Patent fees are subject to annual revision.</i>				Application Number: 09/334,256																																																																																																																																																																																																	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27				Filing Date: June 16, 1999																																																																																																																																																																																																	
<b>TOTAL AMOUNT OF PAYMENT (\$)</b> 130.00				First Named Inventor: Sandra K. Richardson																																																																																																																																																																																																	
				Examiner Name: Not Yet Assigned																																																																																																																																																																																																	
				Group Art Unit: 2761																																																																																																																																																																																																	
				Attorney Docket No.: M3653.0001/P001																																																																																																																																																																																																	
<b>METHOD OF PAYMENT (check all that apply)</b>				<b>FEE CALCULATION (continued)</b>																																																																																																																																																																																																	
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input type="checkbox"/> Deposit Account				<b>3. ADDITIONAL FEES</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>920</td><td>217</td><td>460</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,440</td><td>218</td><td>720</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,960</td><td>228</td><td>980</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>320</td><td>219</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>320</td><td>220</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>280</td><td>221</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>141</td><td>1,280</td><td>241</td><td>640</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>142</td><td>1,280</td><td>242</td><td>640</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>460</td><td>243</td><td>230</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>620</td><td>244</td><td>310</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td>130.00</td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>740</td><td>246</td><td>370</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>149</td><td>740</td><td>249</td><td>370</td><td>For each additional invention to be examined (37CFR 1.129(b))</td><td></td></tr> <tr><td>179</td><td>740</td><td>279</td><td>370</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr> <td colspan="4">Other fee (specify)</td> <td></td> <td></td> </tr> <tr> <td colspan="4">*Reduced by Basic Filing Fee Paid</td> <td><b>SUBTOTAL (3)</b></td> <td><b>(\$)</b> 130.00</td> </tr> </tbody> </table>				Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	105	130	205	65	Surcharge - late filing fee or oath		127	50	227	25	Surcharge - late provisional filing fee or cover sheet		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for reply within first month		116	400	216	200	Extension for reply within second month		117	920	217	460	Extension for reply within third month		118	1,440	218	720	Extension for reply within fourth month		128	1,960	228	980	Extension for reply within fifth month		119	320	219	160	Notice of Appeal		120	320	220	160	Filing a brief in support of an appeal		121	280	221	140	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive - unavoidable		141	1,280	241	640	Petition to revive - unintentional		142	1,280	242	640	Utility issue fee (or reissue)		143	460	243	230	Design issue fee		144	620	244	310	Plant issue fee		122	130	122	130	Petitions to the Commissioner	130.00	123	50	123	50	Processing fee under 37 CFR 1.17(q)		126	180	126	180	Submission of Information Disclosure Stmt		581	40	581	40	Recording each patent assignment per property (times number of properties)		146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))		149	740	249	370	For each additional invention to be examined (37CFR 1.129(b))		179	740	279	370	Request for Continued Examination (RCE)		169	900	169	900	Request for expedited examination of a design application		Other fee (specify)						*Reduced by Basic Filing Fee Paid				<b>SUBTOTAL (3)</b>	<b>(\$)</b> 130.00
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																																																
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																																		
105	130	205	65	Surcharge - late filing fee or oath																																																																																																																																																																																																	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet																																																																																																																																																																																																	
139	130	139	130	Non-English specification																																																																																																																																																																																																	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination																																																																																																																																																																																																	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																																	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																																	
115	110	215	55	Extension for reply within first month																																																																																																																																																																																																	
116	400	216	200	Extension for reply within second month																																																																																																																																																																																																	
117	920	217	460	Extension for reply within third month																																																																																																																																																																																																	
118	1,440	218	720	Extension for reply within fourth month																																																																																																																																																																																																	
128	1,960	228	980	Extension for reply within fifth month																																																																																																																																																																																																	
119	320	219	160	Notice of Appeal																																																																																																																																																																																																	
120	320	220	160	Filing a brief in support of an appeal																																																																																																																																																																																																	
121	280	221	140	Request for oral hearing																																																																																																																																																																																																	
138	1,510	138	1,510	Petition to institute a public use proceeding																																																																																																																																																																																																	
140	110	240	55	Petition to revive - unavoidable																																																																																																																																																																																																	
141	1,280	241	640	Petition to revive - unintentional																																																																																																																																																																																																	
142	1,280	242	640	Utility issue fee (or reissue)																																																																																																																																																																																																	
143	460	243	230	Design issue fee																																																																																																																																																																																																	
144	620	244	310	Plant issue fee																																																																																																																																																																																																	
122	130	122	130	Petitions to the Commissioner	130.00																																																																																																																																																																																																
123	50	123	50	Processing fee under 37 CFR 1.17(q)																																																																																																																																																																																																	
126	180	126	180	Submission of Information Disclosure Stmt																																																																																																																																																																																																	
581	40	581	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																																	
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																																																																																																																																	
149	740	249	370	For each additional invention to be examined (37CFR 1.129(b))																																																																																																																																																																																																	
179	740	279	370	Request for Continued Examination (RCE)																																																																																																																																																																																																	
169	900	169	900	Request for expedited examination of a design application																																																																																																																																																																																																	
Other fee (specify)																																																																																																																																																																																																					
*Reduced by Basic Filing Fee Paid				<b>SUBTOTAL (3)</b>	<b>(\$)</b> 130.00																																																																																																																																																																																																
<b>1. BASIC FILING FEE</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>101</td><td>740</td><td>201</td><td>370</td><td>Utility filing fee</td><td></td></tr> <tr><td>106</td><td>330</td><td>206</td><td>165</td><td>Design filing fee</td><td></td></tr> <tr><td>107</td><td>510</td><td>207</td><td>255</td><td>Plant filing fee</td><td></td></tr> <tr><td>108</td><td>740</td><td>208</td><td>370</td><td>Reissue filing fee</td><td></td></tr> <tr><td>114</td><td>160</td><td>214</td><td>80</td><td>Provisional filing fee</td><td></td></tr> <tr> <td colspan="4"><b>SUBTOTAL (1)</b></td> <td><b>(\$)</b></td> <td>0.00</td> </tr> </tbody> </table>				Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	101	740	201	370	Utility filing fee		106	330	206	165	Design filing fee		107	510	207	255	Plant filing fee		108	740	208	370	Reissue filing fee		114	160	214	80	Provisional filing fee		<b>SUBTOTAL (1)</b>				<b>(\$)</b>	0.00	<b>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2"></th> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Total Claims</td> <td></td> <td>** =</td> <td></td> <td></td> </tr> <tr> <td>Independent Claims</td> <td></td> <td>** =</td> <td></td> <td></td> </tr> <tr> <td>Multiple Dependent</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>103</td><td>18</td><td>203</td><td>9</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>102</td><td>84</td><td>202</td><td>42</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>104</td><td>280</td><td>204</td><td>140</td><td>Multiple dependent claim, if not paid</td><td></td></tr> <tr><td>109</td><td>84</td><td>209</td><td>42</td><td>** Reissue independent claims over original patent</td><td></td></tr> <tr><td>110</td><td>18</td><td>210</td><td>9</td><td>** Reissue claims in excess of 20 and over original patent</td><td></td></tr> <tr> <td colspan="4"><b>SUBTOTAL (2)</b></td> <td><b>(\$)</b></td> <td>0.00</td> </tr> </tbody> </table> <p><small>**or number previously paid, if greater; For Reissues, see above</small></p>						Extra Claims	Fee from below	Fee Paid	Total Claims		** =			Independent Claims		** =			Multiple Dependent					Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	103	18	203	9	Claims in excess of 20		102	84	202	42	Independent claims in excess of 3		104	280	204	140	Multiple dependent claim, if not paid		109	84	209	42	** Reissue independent claims over original patent		110	18	210	9	** Reissue claims in excess of 20 and over original patent		<b>SUBTOTAL (2)</b>				<b>(\$)</b>	0.00																																																																														
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																																																
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																																		
101	740	201	370	Utility filing fee																																																																																																																																																																																																	
106	330	206	165	Design filing fee																																																																																																																																																																																																	
107	510	207	255	Plant filing fee																																																																																																																																																																																																	
108	740	208	370	Reissue filing fee																																																																																																																																																																																																	
114	160	214	80	Provisional filing fee																																																																																																																																																																																																	
<b>SUBTOTAL (1)</b>				<b>(\$)</b>	0.00																																																																																																																																																																																																
		Extra Claims	Fee from below	Fee Paid																																																																																																																																																																																																	
Total Claims		** =																																																																																																																																																																																																			
Independent Claims		** =																																																																																																																																																																																																			
Multiple Dependent																																																																																																																																																																																																					
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																																																
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																																		
103	18	203	9	Claims in excess of 20																																																																																																																																																																																																	
102	84	202	42	Independent claims in excess of 3																																																																																																																																																																																																	
104	280	204	140	Multiple dependent claim, if not paid																																																																																																																																																																																																	
109	84	209	42	** Reissue independent claims over original patent																																																																																																																																																																																																	
110	18	210	9	** Reissue claims in excess of 20 and over original patent																																																																																																																																																																																																	
<b>SUBTOTAL (2)</b>				<b>(\$)</b>	0.00																																																																																																																																																																																																
<b>SUBMITTED BY</b>				<b>Complete (if applicable)</b>																																																																																																																																																																																																	
Name (Print/Type): Jon D. Grossman		Registration No. (Attorney/Agent): 32,699		Telephone: (202) 785-9700																																																																																																																																																																																																	
Signature:				Date: April 9, 2002																																																																																																																																																																																																	

**BEST AVAILABLE COPY**